

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MICHAEL D. SMOKOWICZ

v.

GRAPHIC PACKAGING
INTERNATIONAL, INC. et al.

:
:
:
:
:
:
:

CIVIL ACTION
NO. 16-5891

ORDER

AND NOW, this 30th day of May, 2017, upon consideration of the motions to dismiss plaintiff's amended complaint by defendants Graphic Packaging International, Inc., Dkt. No. 24, and United Steel, Paper, Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Services Workers International Union (USO) AFL-CIO, CLC Local Union # 807, Dkt. No. 23, plaintiff's response, Dkt. Nos. 27 & 28, and Graphic Packaging's reply, Dkt. No. 29, it is ORDERED as follows:

1. The Union's motion, Dkt. No. 23, is DENIED;
2. Graphic Packaging's motion, Dkt. No. 24, is DENIED with respect to plaintiff's claim for breach of the Collective Bargaining Agreement (Count I) and GRANTED with respect to plaintiff's claim for breach of the Last Chance Agreement (Count III). Plaintiff's Count III is DISMISSED.

s/Thomas N. O'Neill, Jr.
THOMAS N. O'NEILL, JR., J.